

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:  
Shigeru Nishio et al.

Application No.: 10/567,657

Confirmation No.: 2426

Filed: February 8, 2006

Art Unit: N/A

For: ELECTROSTATIC SUCTION TYPE FLUID  
DISCHARGE METHOD AND DEVICE FOR  
THE SAME

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 USC §371 In The United States Designated/Elected Office (DO/EO/US) Applicant respectfully submits a Combined Declaration and Power of Attorney (in the form of three (3) Combined Declaration and Power of Attorney forms, one executed by the inventors Yamamoto and Iwashita, one executed by the inventor Nishio, and one executed by the inventor Murata) and a copy of the Notification of Missing Requirements Under 35 USC §371 In the United States Designated/Elected Office (DO/EO/US).

With respect to the requirement stated in the Notice To File Missing Requirements Under 35 USC §371 In the United States Designated/Elected Office (DO/EO/US) that the Applicants pay an additional claim fee in the amount of \$200 with this response for 16 independent claims over 3, Applicants respectfully note that the above-identified application was filed with 20 total claims, 18 of which being independent (i.e., Claims 1-6, 8-11 and 13-20) and two of which being multiple dependent claims (i.e., Claims 7, depending from claims 2, 3 and 6, and Claim 12, depending from claims 10 and 11).

As shown on the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning Submission Under 35 USC 371 filed in this application, Applicants have paid for all of the required fees for this application including  $23 - 20 = 3$  extra total claims and  $18 - 3 = 15$  extra independent claims (see copy attached).

Accordingly, Applicants respectfully submit that the requirement that they pay an additional \$200 with this response is in error and should be withdrawn. A decision so holding in response to this communication is respectfully requested.

However, in the event that it is determined by the United States Patent and Trademark Office that Applicants' foregoing assertions with regard to the fees paid for this case are in error, or any other deficiency exists in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) The Director is hereby authorized and requested to charge any such deficiency to our Deposit Account No. 04-1105, under Order No. 64851 (70904). A duplicate copy of this paper is enclosed.

Dated: October 26, 2006

Respectfully submitted,

By David A. Tucker

David A. Tucker

Registration No.: 27,840

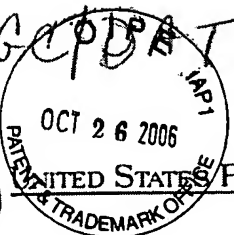
EDWARDS ANGELL PALMER & DODGE  
LLP

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Boston, Massachusetts 02205

(617) 517-5508

Attorneys/Agents For Applicant



64851(70904)

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PCT#

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,657	Shigeru Nishio	6485170904

INTERNATIONAL APPLICATION NO.
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PCT/JP04/11376

I.A. FILING DATE	PRIORITY DATE
08/06/2004	08/08/2003

21874  
 EDWARDS & ANGELL, LLP  
 P.O. BOX 55874  
 BOSTON, MA 02205

CONFIRMATION NO. 2426

371 FORMALITIES LETTER



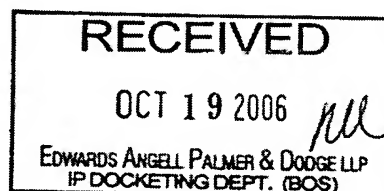
\*OC000000020839821\*

Date Mailed: 10/16/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/08/2006
- Copy of the International Search Report filed on 02/08/2006
- Information Disclosure Statements filed on 02/08/2006
- Request for Immediate Examination filed on 02/08/2006
- U.S. Basic National Fees filed on 02/08/2006
- Priority Documents filed on 02/08/2006
- Specification filed on 02/08/2006
- Claims filed on 02/08/2006
- Abstracts filed on 02/08/2006
- Drawings filed on 02/08/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$200 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$200 for a Large Entity:

COPY

- Total additional claim fee(s) for this application is \$ 200

- \$200 for 16 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,657	PCT/JP04/11376	6485170904

FORM PCT/DO/EO/905 (371 Formalities Notice)

11/03/2006 ATRAN1 00000112 041105 10567657  
01 FC:1614 200.00 DA

# COPY

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>64851 (70904)</b>
INTERNATIONAL APPLICATION NO. PCT/JP2004/011376	INTERNATIONAL FILING DATE 6 August 2004	PRIORITY DATE CLAIMED 8 August 2003
TITLE OF INVENTION ELECTROSTATIC SUCTION TYPE FLUID DISCHARGE METHOD AND DEVICE FOR THE SAME		
APPLICANT(S) FOR DO/EO/US Shigeru Nishio et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input checked="" type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input checked="" type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/JP2004/011376		ATTORNEY'S DOCKET NUMBER <b>64851 (70904)</b>	
20. <input checked="" type="checkbox"/> Other items or information: PCT/RO/101; PCT/ISA/210; PCT/ISA/237; PCT/IB/304; PCT/IB/308 (First Notice); PCT/IB/308; (Second and Supplementary Notice); International Application Publication No. WO 2005/014180 A1; Return Receipt Postcard					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$ 400.00	
TOTAL OF 21, 22 and 23 =				\$ 900.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
171 - 100 =	71 /50 =	2	x \$250.00	\$ 500.00	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	23 - 20 =	3	x 50.00	150.00	
Independent claims	18 - 3 =	15	x 200.00	3,000.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00	360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 5,040.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.					
SUBTOTAL =				\$ 5,040.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 5,040.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				Amount to be charged	\$ 5,040.00

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 04-1105 in the amount of \$ 5,040.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit  
Account No. 04-1105. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information  
should not be included on this form. Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be  
filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

David A. Tucker  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 517-5508

David A. Tucker  
SIGNATURE

David A. Tucker  
NAME

CUSTOMER NUMBER: 21874

27,840  
REGISTRATION NUMBER



Application No. (if known): 10/567,657

Attorney Docket No.: 64851 (70904)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 894059052 US** in an envelope addressed to:

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 26, 2006  
Date

  
Signature

Kathryn Grindrod

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Missing Requirements (2 pages)  
Copy of Notification of Missing Requirements Under 35 USC §371 In The  
United States Designated/Elected Office (DO/EO/US) (2 pages)  
Three Combined Declarations and Power of Attorney's (4 pages each)  
Copy of Transmittal Letter to the United States Designated/Elected Office  
(DO/EO/US) filed on February 8, 2006 (3 pages)  
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